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14 Attorneys for Plaintiffs

15 UNITED STATES DISTRICT COURT

16 CENTRAL DISTRICT OF CALIFORNIA

17 BARLOW RESPIRATORY
HOSPITAL; PIH HEALTH GOOD
18 SAMARITAN HOSPITAL;
PROVIDENCE HOLY CROSS
19 MEDICAL CENTER; HOSPITAL
ASSOCIATION OF SOUTHERN
20 CALIFORNIA, an Incorporated
California Nonprofit Membership
21 Association; and CALIFORNIA
HOSPITAL ASSOCIATION, an
22 Incorporated California Nonprofit
Membership Association,

23 Plaintiffs,

24 v.

25 CITY OF LOS ANGELES; OFFICE
26 OF WAGE STANDARDS FOR THE
CITY OF LOS ANGELES; ERIC
27 GARCETTI, in his official capacity as
Mayor of Los Angeles; and DOES 1-20,

28 Defendants.

CASE NO. 2:22-CV-04828-JLS-GJS

**JOINT STIPULATION TO
CONTINUE HEARING ON MOTION
FOR PRELIMINARY INJUNCTION**

Hon. Josephine L. Staton

1 This Joint Stipulation is entered into by and between Plaintiffs Barlow Respiratory
2 Hospital, PIH Health Good Samaritan Hospital, Providence Holy Cross Medical Center,
3 Hospital Association of Southern California, and California Hospital Association
4 (“Plaintiffs”) and Defendants City of Los Angeles¹ and Eric Garcetti (“Defendants,” and
5 with Plaintiffs, the “Parties”).

6 WHEREAS, Los Angeles Ordinance No. 187566, which raises the minimum
7 wage of certain healthcare workers at certain facilities in the City of Los Angeles to \$25
8 per hour, is scheduled to go into effect on August 13, 2022;

9 WHEREAS, on July 14, 2022, Plaintiffs filed a complaint for declaratory and
10 injunctive relief challenging the constitutionality of the Ordinance (ECF No. 1);

11 WHEREAS, on July 15, 2022, Plaintiffs filed a motion for a preliminary
12 injunction to prevent enforcement of the Ordinance (ECF No. 17);

13 WHEREAS, on July 19, 2022, this Court granted a joint stipulation to expedite
14 the hearing on the motion for preliminary injunction to August 5, 2022, to facilitate a
15 decision before the Ordinance goes into effect (ECF No. 25);

16 WHEREAS, on August 1, Plaintiffs’ counsel learned that the proponents of a
17 referendary petition regarding the Ordinance have suspended collection of signatures
18 and intend to submit the petition to the City Clerk on August 8, 2022;

19 WHEREAS, the Ordinance will be stayed pending examination of the petition
20 while the Clerk City determines if the petition contains the necessary number of
21 signatures under Los Angeles Election Code § 716;

22 WHEREAS, within 15 days of issuing a Final Acceptance of Filing, the City Clerk
23 may (and typically elects to) take a random sample of at least 5% of signatures to verify
24 their validity under Los Angeles Election Code § 717(b) rather than examining all
25 signatures;

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27
28 ¹ The City of Los Angeles contends that the Office of Wage Standards for the City of
Los Angeles is not a separate legal entity.

1 WHEREAS, if the sample shows that the number of valid signatures is more than
2 110 percent of the number of required signatures of qualified voters, the City Clerk shall
3 certify the petition as sufficient under Los Angeles Election Code § 717(b);

4 WHEREAS, if the City Clerk certifies that the petition is sufficient, the Ordinance
5 will not take effect under Los Angeles Charter § 461(c) until adoption by the voters at
6 the next available election and declaration by the Council of the result of the election;

7 WHEREAS, if the sample shows that the number of valid signatures is less than
8 90 percent of the number of required signatures of qualified voters, the City Clerk shall
9 certify the petition as insufficient under Los Angeles Election Code § 717(b);

10 WHEREAS, if the City Clerk certifies that the petition is insufficient, the
11 Ordinance shall take immediate effect upon the date of the certificate under Los Angeles
12 Charter § 461(c) because more than 30 days will have passed from publication of the
13 Ordinance;

14 WHEREAS, if the sample shows that the number of valid signatures is between
15 90 percent and 110 percent of the number of required signatures of qualified voters, the
16 City Clerk shall commence an examination of all the signatures on the petition under
17 Los Angeles Election Code § 717(a) and shall certify the petition as sufficient or
18 insufficient under Los Angeles Charter § 461(c) based on this count of the whole
19 petition;

20 WHEREAS, the Parties met and conferred regarding the effect of the referendary
21 petition on the Ordinance and Plaintiffs' motion for preliminary injunction;

22 WHEREAS, in this meet and confer, the Parties agreed that there is no longer a
23 need for a decision from this Court prior to August 13 because the Ordinance is highly
24 unlikely to go into effect that day;

25 WHEREAS, in this meet and confer, the Parties also agreed to a proposed
26 schedule that continues the hearing until August 26, 2022, or the next available date
27 convenient for the Court, at which point the City Clerk is likely to have made a
28 determination under Los Angeles Election Code § 717(b) whether the sample's results

1 require the law to go into immediate effect, to remain stayed pending a complete count
2 under Los Angeles Election Code § 717(a), or to be stayed until the next available
3 election for the referendum;

4 WHEREAS, the Parties also agreed to coordinate on information regarding the
5 City Clerk's review of the petition and to provide the Court status updates on the City
6 Clerk's process and the need for a hearing on the motion for preliminary injunction on
7 August 26, 2022, on another date, or not at all.

8 NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE,
9 SUBJECT TO THE APPROVAL OF THE COURT, THAT

- 10 1. The Court hear the matter on Friday, August 26, 2022, at 10:30 AM.
11 2. The parties promptly update the Court on developments that affect the need
12 to hear the matter on August 26, 2022, or that may justify a continuance of the hearing,
13 should the Ordinance go into effect.

14 A [Proposed] Order is filed concurrently herewith.
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1 Dated: August 2, 2022

Respectfully submitted,

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3 GIBSON, DUNN & CRUTCHER LLP

4
5 By: /s/ Maurice Suh
6 Maurice Suh

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8 Attorneys for Plaintiff California Hospital
9 Association

10 BELL, MCANDREWS & HILTACHK, LLP

11
12 By: /s/ Thomas W. Hiltachk
13 Thomas W. Hiltachk

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15 Attorneys for Plaintiffs Barlow Respiratory
16 Hospital; PIH Health Good Samaritan Hospital;
17 Providence Holy Cross Medical Center;
18 Hospital Association of Southern California

19
20 LOS ANGELES CITY ATTORNEY'S OFFICE

21 By: /s/ Joseph S. Persoff
22 Joseph S. Persoff

23 Attorneys for Defendants City of Los Angeles,
24 also erroneously sued as the Office of Wage
25 Standards for the City of Los Angeles, and Eric
26 Garcetti.
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28

ECF ATTESTATION

I, Maurice Suh, hereby attest pursuant to Local Rule 5-4.3.4(a)(2) that the concurrence in the filing of this document has been obtained by the above signatories.

Dated: August 2, 2022

/s/ Maurice Suh
Maurice Suh

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